UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,586	10/04/2005	Bert Von Stein	SEGE3003/FJD	5634

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EXAMINER
TAHA, SHAQ

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7 - 12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7 - 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILD ACTION

This is a Non-Final action for application number 10/522,586 based on after a

Request for Continued Examination filed on 08/25/2009. Claims 7 – 12 are currently

pending and have been considered below. Claim 7 is amended. Claim 7 is an

independent claim.

Applicant's Response

Applicant's arguments with respect to claims 7 - 12 have been considered but are

moot in view of the new ground(s) of rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject matter
> sought to be patented and the prior art are such that the subject matter as a whole would have
> been obvious at the time the invention was made to a person having ordinary skill in the art to
> which said subject matter pertains. Patentability shall not be negatived by the manner in which
> the invention was made.

Claims 7 – 10, and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cheng et al (US 2002/0078161) in view of Spring et al. (US

6,754,703)

Regarding claim 7, a method for updating device descriptions for different field

devices, sensors or actors for determining, and influencing process variables in process

automation technology, **[system 100 comprising a UPnP enabling device 200 that**

bridges a UPnP controller, or UPnP User Control Point (UCP) 120 to multiple non-

UPnP-compliant devices 150-180, wherein the UPnP enabling device updates the

device description of one of the field devices 150 – 180, (Cheng et al., Paragraph

18)],

whereby the field devices are connected via a field bus, **[a PCI bus 253 is used**

as an intermediate bus between an internal bus 205 of the enabling device 200

and a USB network 150 as shown in Fig. 2, (Cheng et al., Paragraph 21)],

and whereby a control unit and an external server are employed, **[The UPnP**

enabling device 200, in conjunction with a file server 130, provides the interface

required to effect the control of the non-UPnP devices by the UPnP user control

point 120, by emulating each of the non-UPnP devices as a UPnP-compliant

device, wherein file server 130 is an external server and UPnP control 120 is a

control unit, as shown in Figs. 1 and 2, (Cheng et al., Paragraph 19)],

comprising the step of: storing the actual device descriptions for the field devices

on a central server connected to the field bus via the internet, **[the processor 220**

merely stores the appropriate URLs of each device's presentation and description

information, for subsequent communication to the UCP 120, as required, and as

discussed above, wherein these URLs may address information on the file server

130, Discovery server module 510 as shown in Fig. 5, which is a central server

connected to the data bus 205 via internet 110, stores the device description

using processor 220, (Cheng et al., Paragraph 44)],

storing and running an application program in the control unit for servicing,

configuring, parameter zing, or troubleshooting the field device, **[providing the**

Application Program Interface (API) for transforming responses and GENA

notifications into proper HTTP messages, and invokes network services 502 to

send the messages, wherein the application program services the field device,

(Cheng et al., Paragraph 37)],

and downloading, by the application program in the control unit, an actual device

description of the corresponding field device to be serviced from the central server in

the case that the actual version of the device description of the field device is not

available in the control unit, **[The module 530 either provides the appropriate URL**

for locating the device description and/or the presentation, or it provides the

device description and/or the presentation, directly or via the file server 130, for

devices that do not have a corresponding remote URL address at which the

description and/or the presentation is located, (Cheng et al., Paragraph 58)],

Cheng et al. fails to teach that in each case a device description describes the

functionality of the corresponding field device in a standardized language,

Spring et al. teaches that the developer must specify a device description using

one programming language that executes in the same system as the core functions of

the network management system, **(Spring et al., Col. 3, lines 4 - 8)**, in order to express

abstract structures of a device description explicitly, **(Spring et al., Col. 58, lines 55 –**

65),

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify Cheng et al. by including that a device description

describes the functionality of the corresponding field device in a standardized language

(Spring et al., Col. 3, lines 4 - 8), in order to express abstract structures of a device

description explicitly, **(Spring et al., Col. 58, lines 55 – 65).**

Regarding claim 8, a method as claimed in claim 7, wherein: the application

program queries the external server, in regular intervals, as to whether new device

descriptions are available, **[Depending upon the available memory at the UPnP**

enabling device 200, the processor 220 fills in the discovery, presentation, and

description information at the databases 515, 525, 535, respectively, wherein if

the information of the device is available to update the device, (Cheng et al.,

Paragraph 44, Page 4)].

Regarding claim 9, the method as claimed in claim 7, wherein: the device

descriptions are device descriptions DDs, **[providing an API for querying device**

description, wherein it is DDs, (Cheng et al., Paragraph 59)].

Regarding claim 10, the method as claimed in claim 7, wherein: preconfigured

device descriptions are stored in the external server, **[the amount of information**

required to be stored at the device description database 535, or at the file server

130, (Cheng et al., Paragraph 58)].

Regarding claim 12, the method as claimed in claim 7, wherein: the control unit

and the external server are connected with one another via the Internet, **[Fig. 1, Ref #**

110 wherein the internet is connected to the external server 130 and control unit

200].

Regarding claim 11, The modified Cheng et al. teaches providing a method and

system for coupling IP networks with non-IP networks, **(Cheng et al., Paragraph 8)**,

The modified Cheng et al. fails that the device descriptions in the server are

saved in respective national languages,

Spring et al. teaches that the source code files 212 are generated according to a

conventional programming language, **(Spring et al., Col. 6, Lines 40 - 45)**, in order to

express abstract structures of a device description explicitly, **(Spring et al., Col. 58,**

lines 55 – 65),

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the modified Cheng et al. by including that the device

descriptions in the server are saved in respective national languages, **(Spring et al.,**

Col. 6, Lines 40 - 45), in order to express abstract structures of a device description

explicitly, **(Spring et al., Col. 58, lines 55 – 65).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. T./

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446